

## CODE OF ETHICS

### I. AUTHORITY

In accordance with N.J.S.A. 52:13D-23, the Division of The Ratepayer Advocate ("Division" or "Advocate") hereby promulgates this Code of Ethics to govern the conduct of all temporary and permanent personnel in the career, unclassified and senior executive services.

### II. GENERAL PRINCIPLES

(a) In addition to the purposes and goals stated in N.J.S.A. 52:13D-12 and N.J.S.A. 13D-23, the Division of The Ratepayer Advocate promulgates this code to preserve public confidence in the representation of state ratepayers by the Division in all aspects of its statutory mission; to maintain the efficiency and morale of the Division's officers and employees; to protect the integrity of the public employment system, and to protect its officers and employees from private, commercial, economic or political interference.

(b) Whenever in this code a gender based pronoun is employed, it is to be read as gender neutral.

(c) The Conflicts of Interest Law (N.J.S.A. 52:13D-12 et seq.) establishes specific standards of conduct for State employees. This Code of Ethics is promulgated in conjunction with that Law and is intended to establish the standards of conduct necessary for the proper, efficient and ethical operation of the Division. It is deemed to have been accepted as a condition of employment by any individual who has, continues, or accepts employment with the Division under the Directorship of the Ratepayer Advocate.

(d) The Conflicts of Interest Law, N.J.S.A. 52:13D-12 through 13D-27, contains specific requirements for the Conduct of State employees as well as penalty provisions for violations of the Conflicts Act and this Code of Ethics. All employees should familiarize themselves with this Act.

(e) Pursuant to N.J.S.A. 52:13D-23(e)(7) no State officer or employee of the Division shall knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his acts that he may be engaged in conduct violative of his trust as a State officer or employee.

### III. GENERAL DUTIES OF OFFICERS AND EMPLOYEES

- A. Officers and Employees shall hold office or employment as a public trust and shall strive to preserve and protect the public's confidence in the Division's fair and impartial execution of its duties and responsibilities.
- B. Officers and Employees shall make decisions in connection with their official duties on a fair and impartial basis and without regard to race, color, sex, religion, age, handicap, national origin, marital status, affectional or sexual orientation, political affiliation or other improper consideration.
- C. Officers and Employees shall perform duties with professionalism and with courtesy to other officers and employees and the public.
- D. Officers and Employees shall hold in public trust any property owned or leased by the State, or any other property or funds entrusted to him in the course of his duties and shall exercise reasonable care to protect such property from waste, destruction, or improper use.

### IV. DUTIES RELATED TO THE PERFORMANCE OF OFFICE AND EMPLOYMENT

- A. Officers and Employees shall not use an official position to secure unwarranted privileges, benefits, or advantages for himself or others.
- B. Officers and Employees shall not act in an official capacity in any matter wherein they have a direct or indirect interest, financial or otherwise, which might reasonably be expected to impair objectivity and independence of judgment in the discharge of their duties or to interfere with the operation of the Division.
- C. Officers and Employees shall not in any manner use Divisional personnel, property, supplies or information to further private interests or

satisfy private obligations.

- D. Officers and Employees shall not disclose to any person information, not generally available to members of the public, acquired in the course of their duties at the Division or by virtue of their public employment.
- E. Officers and Employees shall not falsify, or knowingly alter, destroy or conceal any writing or record or other form of evidence required to be kept by law or regulation or Divisional policy which is entrusted to them in the course of their duties.

V. SPECIAL OBLIGATIONS OF ATTORNEYS EMPLOYED BY THE DIVISION

As used in this section, the term attorney shall include any Officers or Employees admitted to the practice of law in any jurisdiction serving in a legal capacity including, but not limited to persons in the titles Assistant Ratepayer Advocate, Deputy Ratepayer Advocate, and Ratepayer Advocate, whose duties include the rendering of legal advice, legal analysis or other legal services in connection with the business and duties of the Division.

- A. Attorneys shall conduct themselves in accordance with every affirmative duty and obligation imposed by the New Jersey Rules of Professional Conduct, RPC 1.1 et seq., other court rules and directives and statutes governing the conduct of attorneys.
- B. An attorney shall not represent any party other than the State of New Jersey, or engage in the private practice of law in any other way, whether or not the attorney receives compensation, except that an attorney may without compensation represent himself or his spouse, child or parent after gaining the approval of the Ratepayer Advocate or his/her designee and thereafter, by filing a copy of the notice of such activity with the Executive Commission on Ethical Standards and with the Division's Ethics Officer.
- C. Employees who have questions or reasonable doubts as to the propriety under this Code or

other Division regulation or policy or under the New Jersey Conflicts of Interest Law of any of their actions shall seek the assistance of the Division Ethics Officer or the Ratepayer Advocate to resolve their doubts before taking action. Such guidance shall also be sought when reasonable doubt exists as to the application or meaning of any provision of this Code or the New Jersey Conflicts of Interest Law. Guidance may also be sought directly from the Executive Commission on Ethical Standards.

- D. Any disclosure, notification, reporting or requests for assistance or advice required by the provisions of this section shall be made by employees in the attached form including a written explanation of all relevant circumstances and details. In appropriate matters, the Division Director shall request the Division Ethics Officer to seek, on behalf of the employee or the Division, a formal advisory opinion from the Executive Commission on Ethical Standards.

#### VI. OUTSIDE INTERESTS/EMPLOYMENT ACTIVITIES/ANNUAL DISCLOSURE

- A. No officer or employee shall have any direct or indirect interest, financial or otherwise, which is in substantial conflict with the proper discharge of duties or interferes with the operation of the Division.
- B. No officer or employee shall engage in any transaction, business, or professional activity which is in substantial conflict with the proper discharge of duties or interferes with the operation of the Division.
- C. No officer or employee shall engage in any business, profession, trade or occupation which is subject to licensing or regulation by a Division or Agency in the Department or any other State agency without first receiving approval from the Director of the Division and filing a copy of the approved notice of such activity with the Executive Commission on Ethical Standards and with the Division's

Ethics Officer.

- D. No officer or employee shall undertake any employment, self-employment, or service, whether compensated or not which might reasonably be expected to impair objectivity and independence of judgment required in public employment or to interfere with the operation of the Division. No State officer or employee who is an attorney and is otherwise permitted to engage in the private practice of law shall represent any party in any matter before a State licensing or regulatory body or in any other matter or litigation in which the State has an interest adverse to that of the attorney's client, whether or not the representation is for compensation.
- E. No officer or employee shall engage in outside employment or act as an independent contractor, for compensation without first submitting a written request for approval to the Division Director with a detailed certification as to why such employment will not interfere with the employees professional responsibilities. The provisions of this paragraph are not intended to supersede or conflict with any existing negotiated labor agreement which may govern any officer's or employee's rights and obligations in this area, nor are they intended to apply to special State officers or employees.
- F. Every State officer or employee who is granted an approval from the Division Director pursuant to the provisions of Paragraph E shall promptly file a copy of the approval with the Executive Commission on Ethical Standards, and, thereafter annually on the first day of the month of June, shall disclose in writing to the Executive Commission on Ethical Standards whether the officer or employee is still engaged in the outside employment, self-employment or other business activity. A copy of the annual disclosure shall be provided to the Division Ethics Officer.

- G. Officers and employees are free to engage in volunteer activities on behalf of nonprofit charitable, religious, sports, and professional organizations unless such activities could reasonably be expected to impair or appear to impair their independence and objectivity of judgment in the discharge of duties or to interfere with the operation of the Division.
- H. Officer or employees shall not make use of their office or employment for the purpose of promoting or advertising any off-duty activity which is either prohibited or permitted by this Code.
- I. Officer or employees shall not publish any work or give any speech which impairs the performance of their duties or interferes with the operation of the Division or otherwise violates this Code or any Divisional regulation or policy.
- J. An officer or employee, in a private capacity, may publish any work or give any speech which would not reasonably be expected to cast material doubt on his objectivity and independence of judgment in the exercise of his official functions. When publishing any work or giving any speech in a private capacity under circumstances which identify him as an employee or official of the Division of The Ratepayer Advocate, the officer or employee shall declare, in writing or orally as appropriate, that the views expressed are his and do not reflect the views of the Ratepayer Advocate or any other agency of State government.

VII. GIFTS/ATTENDANCE AT CONFERENCES AND REGULATED PUBLIC EVENTS

- A. Officer or employees shall not solicit, receive or agree to receive, whether directly or indirectly, any gift or benefit of any kind, whether or not pecuniary in nature, under circumstances from which it might be reasonably inferred that the gift or benefit

was given or offered for the purpose of influencing them in, or rewarding them for, the discharge of their official duties or because of their status as public officers or employees.

- B. Officer or employees shall immediately report to the Division Ethics Officer any offer of employment or of any gift or benefit, whether or not pecuniary in nature, made with the purpose of influencing the performance of their duties or made because of their status as officers or employees by a person or organization with whom the officers or employees have had contact in their official capacities. No such offer or gift or benefit shall be accepted.
- C. Officers or employees shall not accept reimbursement from any source other than the State of New Jersey for expenses for attendance at an event of an organization specifically licensed or significantly and substantially regulated by the State or an organization a majority of whose members are specifically licensed or significantly and substantially regulated by the State.
- D. Officers or employees may accept reimbursement of expenses to the State for attendance at a professional event at which they have been invited to speak if they have received the express approval of the Division Director before acceptance of the invitation and any reimbursement of expenses.
- E. Officers or employees who speak as a Division representative at an event sponsored by an entity other than a New Jersey state or local government agency, or a professional organization shall not agree to permit such remarks to be taped or otherwise memorialized by that entity for commercial purposes or for re-sale or for re-use without first seeking the approval of the Division Director.
- F. Officers or employees may accept an award or other honor given by a charitable or civic

group because of the officer's or employee's public service provided the officer or employee accepts no monetary award, honorarium or stipend or other thing of value other than a plaque, trophy or other commemorative item of nominal value and provided attendance at any event or function at which the award is made is in accordance with this Code and any other relevant guidelines issued by the Executive Commission on Ethical Standards. Notice of any such award should be given to the Division Director prior to its acceptance by the officer or employee.

#### VIII. POLITICAL ACTIVITIES

- A. When used in this section, "political activity" means activity primarily aimed at affecting the election to public office or political party of a specific candidate or candidates or of the candidates of a particular political party in general.
- B. Officers or Employees shall not display a political picture or sticker on any state-owned or state-leased property or wear an indicia of political affiliation during their hours of employment.
- C. Officers or Employees shall not engage in political activities during the hours of their employment or at any other time if they interfere with the non-partisan functioning of the Division.
- D. Officers or Employees shall not directly or indirectly use or seek to use their authority or the influence of their positions to control or modify the political actions of other persons during working hours or to coerce contributions from other officers or employees in support of any political matter.
- E. Any Divisional employee who intends to be a candidate for or hold any elected or appointed public or political party office shall give written notice of such intended activity to the Division Director and may be required to



obtain a leave of absence from the Division for the duration of the election or appointment.

- F. Any disclosure, notification, reporting or requests for assistance or advice required by the provisions of this section shall be made by an officer or employee to the Division Director in the form of a written explanation of all relevant circumstances and details. As appropriate, the Division Director shall request the Division Ethics Officer to seek, on behalf of the employee or the Division, a formal advisory opinion from the Executive Commission on Ethical Standards.

#### IX. POST-EMPLOYMENT RESTRICTION

No Ratepayer Advocates or employees, subsequent to the termination of their employment with the Division shall represent, appear for, negotiate on behalf of, or provide information not generally available to members of the public or services to, or agree to represent, appear for, negotiate on behalf of, or provide information not generally available to members of the public or services to, whether by himself or through any partnership, firm or corporation in which he or she has an interest or through any partner, officer or employee thereof, any person or party other than the State in connection with any cause, proceeding, application, or other matter with respect to which such employees shall have made any investigation, rendered any ruling, given any opinion or been otherwise substantially and directly involved at any time during the course of their employment. Any person who willfully violates the provisions of this section may be subject to prosecution as a disorderly person and shall be subject to a fine not to exceed \$500.00 or imprisonment not to exceed six months, or both.

#### X. EFFECTIVE DATE

This Code of Ethics for the Division of The Ratepayer Advocate is subject to the approval of the Executive Commission on Ethical Standards and shall take effect immediately and supersedes any previously promulgated Code of Ethics.

Formally approved by the Executive Commission on Ethical Standards on December 6, 1996.